



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail deemed delivered five days after it was mailed on July 19, 2014, the Tenant did not appear.

At the beginning of the hearing the landlord advised that the tenant abandoned the rental unit on August 5, 2014, and an order of possession was no longer required.

Issue(s) to be Decided

- Is the landlord entitled to a monetary order and, if so, in what amount?
- Is the landlord entitled to retain the security deposit?

Background and Evidence

This fixed term tenancy commenced February 12, 2012. Upon the expiry of the term on February 28, 2013, it continued as a month-to-month tenancy. The monthly rent of \$720.00 was due on the first day of the month. The tenant paid a security deposit of \$360.00.

The landlord testified that the tenant was served with a 10 Day Notice to End Tenancy for Non-Payment of Rent by registered mail actually received on June 20, 2014. That document includes information advising the tenant that the notice is cancelled if the tenant paid the arrears of rent within five days. It also advises that the tenant has five days to dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. The landlord testified that the tenant did neither.

The landlord testified that the tenant had not paid the rent for May, June, July and August and the arrears total \$2880.00. In addition, there are late fees owed for April, May, June, July and August for a total of \$125.00.

The landlord also testified that although the tenant moved out of the unit on August 5 he was not able to re-rent it immediately because the unit required cleaning, garbage

removal and some repairs. As of the date of the hearing the unit has still not been re-rented.

Analysis

I find that the landlord has established a total monetary claim of \$3255.00 comprised of arrears of rent in the amount of \$2880.00, unpaid late fees in the amount of \$125.00, unpaid strata fine in the amount of \$200.00, and the \$50.00 fee paid by the landlord for this application. I order that the Landlord retain the deposit of \$360.00 in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$2895.00.

Conclusion

A monetary order in favour of the landlord in the amount of \$2895.00 has been granted. If necessary, it may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 09, 2014

Residential Tenancy Branch

